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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**
11

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 TOM LEE CORDOVA,

16 Defendant.

Case No.: CR 11-0291 SBA

STIPULATED REQUEST TO CONTINUE CHANGE
OF PLEA AND SENTENCING TO FEBRUARY 9,
2012 AND TO EXCLUDE TIME UNDER THE
SPEEDY TRIAL ACT AND ORDER

17
18 The above-captioned matter is set on February 1, 2012 before this Court for
19 change of plea and sentencing. The parties have previously submitted the proposed plea
20 agreement to the Court. Additional time is necessary, however, for consideration of the Pre-
21 Plea Presentence Investigation Report ("PSR") and for preparation of the necessary
22 sentencing memoranda. The parties, therefore, request that this Court continue this matter to
23 February 9, 2012, at 10:00 a.m. for change of plea and sentencing, and that the Court exclude
24 time pursuant to the Speedy Trial Act between February 1, 2012 and February 9, 2012 for (1)
25 effective preparation of counsel, taking into account the exercise of due diligence, and (2) for

1 consideration by the Court of a proposed plea agreement to be entered into by the defendant
2 and the attorney for the government. The United States Probation Officer assigned to this
3 matter is in agreement with this request.

4 Accordingly, in order to allow time for the Court to consider the proposed plea
5 agreement and the PSR, the parties stipulate and agree that the time between February 1,
6 2012 and February 9, 2012 should be excluded pursuant to the Speedy Trial Act, and
7 specifically pursuant to 19 U.S.C. § 3161 (h)(1)(G), for consideration by the Court of a
8 proposed plea agreement to be entered by the defendant and the attorney for the government.
9 Defendant continues to agree that the Court may review the PSR even though he has not yet
10 pleaded guilty.

11 Additionally, in light of the parties' need to review the PSR and prepare
12 sentencing memoranda, the parties agree the ends of justice served by granting the
13 continuance outweigh the best interests of the public and defendant in a speedy trial.
14 Therefore, the parties further stipulate and request that the Court exclude time between
15 February 1, 2012 and February 9, 2012 pursuant to the Speedy Trial Act for the effective
16 preparation of counsel and pursuant to 18 U.S.C. 3161 (h)(7)(A) and (B)(iv).
17

18 DATED: January 17, 2012
19

20 _____/s/_____
21 JAMES C. MANN
22 Assistant United States Attorney
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_____/s/_____
EDWIN K. PRATHER
Counsel for Tom Lee Cordova, Sr.

ORDER

The parties jointly requested that the change of plea and sentencing hearing in this matter set for February 1, 2012 be continued to February 9, 2012 at 10:00 a.m. The parties further requested that time be excluded pursuant to the Speedy Trial Act between February 1, 2012 and February 9, 2011 for: (1) effective preparation of counsel, taking into account the exercise of due diligence; and (2) for consideration by the Court of a proposed plea agreement to be entered into by the defendant and the attorney for the government.

The parties previously submitted a proposed plea agreement for the Court's consideration. Accordingly, in order to allow time for the Court to consider the proposed plea agreement and the Pre-Plea Presentence Investigation Report ("PSR"), the parties stipulated and agreed that the time between February 1, 2012 and February 9, 2012 should be excluded pursuant to the Speedy Trial Act, and Specifically pursuant to 18 U.S.C. § 3161(h)(l)(G), for consideration by the Court of a proposed plea agreement to be entered into by the defendant and the attorney for the government. Defendant continues to agree that the Court may review the PSR even though he has not yet pleaded guilty.

Additionally, in light of the parties' need to review the PSR and prepare sentencing memoranda, the parties agreed the ends of justice served by granting the continuance outweigh the best interests of the public and defendant in a speedy trial. Therefore, the parties further stipulated and requested that the Court exclude time between February 1, 2012 and February 9, 2012 pursuant to the Speedy Trial Act for effective preparation of counsel and pursuant to 18 U.S.C. §§ 3161 (H)(7)(A) and (B)(iv).

Good cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161 (h)(l)(G) and 3161 (h)(7)(A) and (B)(iv),

1 IT IS HEREBY ORDERED that this matter is continued to February 9, 2012 at 10:00
2 a.m. for change of plea and sentencing, and that time between February 1, 2012 and February
3 9, 2012 is excluded pursuant to the Speedy Trial Act, and specifically pursuant to: (1) 18
4 U.S.C. § 3161 (h)(l)(G), for consideration by the Court of a proposed plea agreement to be
5 entered into by the defendant and the attorney for the government; and (2) 18 U.S.C. §§ 3161
6 (H)(7)(A) and (B)(iv), for effective preparation of counsel.

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9 DATED: _1/24/12


HON. SAUNDRA BROWN ARMSTRONG
U.S. DISTRICT JUDGE